

## **REMARKS**

Claims 1, 4-19, 21-31, and 33-43 were pending and presented for examination. In a Final Office Action dated September 2, 2008, claims 1, 4-19, 21-31, and 33-43 were rejected. Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below. Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections, and withdraw them.

### **Response to Rejections Under 35 USC §103(a)**

In the Final Office Action, claims 1, 6-8, 11, 17-19, 28, 31, 33-34, 40 and 42 were rejected under 35 USC §103(a) as allegedly being unpatentable over Ito, U.S. Patent No. 7,151, 613 in view of Imai, U.S. Patent Publication No. 2003/0164898. Claims 4-5, 9-10, 12-16, 21-27, 29-30, 35-39, 41 and 43 were rejected as allegedly being unpatentable over Ito in view of various combinations of Imai, Wendelken, U.S. Patent No. 6, 193, 658, Merchant, U.S. Patent No. 5,581,366, Farrell, U.S. Patent No. 5,717,841, Huberman, U.S. Patent No. 6,115,718, Sugiyama, U.S. Patent No. 5,633,723, Lynch, U.S. Patent No. 7,174,151, Paton, U.S. Patent Publication No. 2002/0101343 and Najeh, U.S. Patent No. 5,343,251. These rejections now are traversed.

Claim 1 recites:

A printer for printing time-based media from a broadcast media feed, the printer comprising:

- a broadcast media receiver for receiving and outputting the broadcast media feed of time-based media;
- a content-based processing logic coupled to the broadcast media receiver for monitoring the broadcast media feed of time-based media to

detect an occurrence of an event within the broadcast media feed, the content-based processing logic processing the broadcast media feed to generate an electronic representation and a printable representation of the broadcast media feed responsive to detecting the occurrence of the event;

- a first output device in communication with the content-based processing logic to receive the electronic representation, the first output device **producing a corresponding electronic output from the received electronic representation of the broadcast media feed that is distinct from the received electronic representation;** and
- a second output device in communication with the content-based processing logic to receive the printable representation, the second output device producing a corresponding printed output from the received printable representation of the broadcast media feed.

These aspects of the claimed invention are not disclosed or suggested by Ito. As the Examiner correctly notes, Ito fails to disclose or suggest the first output device producing a corresponding electronic output from the electronic representation of the broadcast media feed. *See* Office Action dated 9/2/2008. Thus, Ito similarly does not disclose or suggest “producing a corresponding electronic output from the received electronic representation of the broadcast media feed **that is distinct from the received electronic representation.**”

Imai does not remedy the deficiencies of Ito. There is no hint, mention or suggestion in Imai of “producing a corresponding electronic output from the received electronic representation of the broadcast media feed that is **distinct from the received electronic representation,**” as claimed.

The Examiner asserts that Imai’s recorded broadcast data allegedly corresponds to the claimed “electronic output.” However, this assertion is incorrect. Imai discloses an apparatus for receiving a television broadcast and extracting therefrom data superimposed on a vertical retrace line in a character broadcast that is included in the television broadcast. *See* Imai, Abstract, ¶¶ [0004] and [0039]. Imai discloses that the broadcast data is stored in a

magnetic recording apparatus; the recorded data can then be printed onto printing paper. *See* Imai, ¶ [0115].

Imai's recorded broadcast data at best can be considered an electronic representation *of the television broadcast* itself. However, the recorded broadcast data cannot properly be characterized as an electronic output "that is *distinct from* the received electronic representation" because the recorded broadcast data is itself the electronic representation of the television broadcast. Thus, in Imai there is only a single element, the recorded broadcast data. In contrast, in the claimed invention there are two elements: the received electronic representation of the broadcast media feed *and* an electronic output that is *distinct from* the received electronic representation.

Thus, the deficient disclosures of these references, considered either alone or in the combination suggested by the Examiner, thus fail to establish even a *prima facie* basis from which a proper determination of obviousness under 35 U.S.C. §103(a) can be made. Thus, Applicants submit that claim 1 is patentably distinguishable over the cited references.

Amended claim 31 recites "generating a corresponding electronic output from the electronic representation of the broadcast media feed that is distinct from the electronic representation." Thus, Applicants submit that claim 31 is patentably distinguishable over the cited references for at least the reasons discussed above in regards to claim 1.

The obviousness rejection of claims 4-19, 21-30, and 33-43 only applied Ito in view of various combinations of other references including Imai, Wendelken, Merchant, Farrell, Huberman, Sugiyama, Lynch, Paton and Najeh for the dependent limitations in the claims. These references do not remedy the deficiencies of the references described above.

Dependent claims 4-19, 21-30, and 33-43 incorporate the limitations of their respective base claim. Applicants submit that claims 4-19, 21-30, and 33-43 are allowable for at least the reasons described above in regard to claims 1 and 31, in addition to the further patentable limitations recited therein.

### **Conclusion**

In sum, Applicants respectfully submit that claims 1, 4-19, 21-31, and 33-43, as presented herein, are patentably distinguishable over the cited references for at least the reasons given above. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,  
JOHNATHAN J. HULL ET AL.

Date: December 2, 2008

By: /Jennifer R. Bush/

Attorney for Assignee  
Jennifer R. Bush, Reg. No. 50,784  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
Phone: (650)-335-7213  
Fax: (650) 938-5200